

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE**

BAYER INTELLECTUAL PROPERTY
 GMBH and BAYER PHARMA AG,

 Plaintiffs,

 v.

 WARNER CHILCOTT COMPANY,
 LLC, WARNER CHILCOTT (US), LLC,
 and WARNER CHILCOTT PLC,

 Defendants.

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the December 17, 2013 Scheduling Order (D.I. 28), the parties in the above-captioned matter submit their Joint Claim Construction Chart setting forth the disputed claim terms in U.S. Patent No. 5,980,940. The attached Joint Claim Construction Chart includes each party's proposed construction of the disputed claim language with citation to the intrinsic evidence in support of their respective proposed constructions. The parties have made a good faith effort to include herein all known support for their respective constructions, but reserve their right to supplement the attached Joint Claim Construction Chart with additional intrinsic and extrinsic evidence and to rely upon in their claim construction briefs. The parties have not identified any claim terms of U.S. Patent No. 7,704,984 ("the '984 patent") for construction.

A copy of the Joint Claim Construction Chart is attached as Exhibit A.

Defendants submit that some terms of the '940 patent (whether or not included in this chart) render the claims indefinite, and that claims may also be rendered indefinite in light of Bayer's proposed constructions. Defendants will raise such challenges at the appropriate time by

seeking leave to file a motion for summary judgment of invalidity. Defendants propose constructions and provide supporting intrinsic evidence without waiving any contentions of indefiniteness.

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